

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JAYENDRA SHAH,

Plaintiff,

- against -

12-cv-4276 (ERK) (RLM)

MTA NEW YORK CITY TRANSIT, an
agency of the METROPOLITAN
TRANSPORTATION AUTHORITY, STATE OF
NEW YORK, JOHN DOES 1-10, AND JANE
DOES 1-10,

Defendants.

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DECLARATION OF CARMEN BIANCO

Carmen Bianco declares under the penalties of perjury:

1. I was appointed President of the New York City Transit Authority in 2013. Previously I served as Senior Vice President of the Transit Authority's Department of Subways. In the latter position I had occasion to make certain hiring decisions which, I have been informed, are at issue in the suit brought by Jayendra Shah.

2. In 2010, Daryl Irick, Brian Semler and I interviewed several candidates for the position of Vice President and Chief Officer, Staten Island Railway ("SIR"). SIR, a subsidiary of the Transit Authority, operates a rapid transit line in Richmond County. Its Vice President and Chief Officer, as reflected in the job vacancy notice that was posted for the position, is accountable for executive level management of all rail operations; strategic planning to improve system performance

through the adoption of new technology; inspection, maintenance and repair of railroad equipment; development and implementation of policies and procedures; and direction of all administrative, human resources and labor relations activities. Mr. Shah submitted an application for the position but was not among the candidates who were selected to be interviewed.

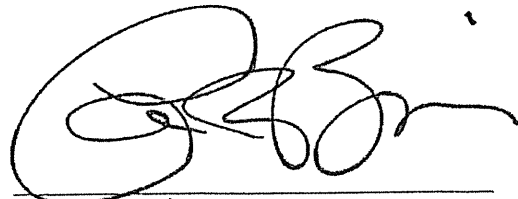
3. I made the decision to hire Stepfone Montgomery because he was the best qualified candidate. Mr. Irick and Mr. Semler concurred with that decision. As a high-level manager at the Long Island Rail Road, the largest commuter railroad in the nation, Mr. Montgomery had previously exercised oversight of a team of more than forty managers and had broad responsibility for all aspects of rail operations, including the daily coordination of train service with Passenger Services, Engineering and Maintenance of Equipment Departments. When Mr. Montgomery joined the Transit Authority in 2009, he served as Line General Manager for the IRT 4/5 and Grand Central Shuttle Lines. Mr. Montgomery was responsible in that assignment for all activities, both operational and administrative, necessary for the provision of safe and reliable train service to more than 500,000 passengers on a daily basis. Mr. Montgomery, therefore, was the best-suited of the selected candidates for the SIR position.

4. In 2012, a job vacancy notice was posted for the position of Vice President, Chief Mechanical Officer of the

Division of Car Equipment, a Division with more than 4,000 employees. The Chief Mechanical Officer is accountable for all activities related to the management of rolling stock and reports directly to the Senior Vice President of the Department of Subways. Initial interviews of five candidates were conducted by Sally Librera, Dawn Pinnock and Craig Stewart. Two of those candidates, Jay Shah and Michael Wetherell, were then interviewed by me and Ms. Pinnock. I selected Michael Wetherell, a mechanical engineer who had years of experience in the positions of Assistant Chief Mechanical Officer at the Transit Authority and as General Manager, Fleet Engineering, at the Long Island Rail Road. The Transit Authority hired Mr. Wetherell in 2011 as an Assistant Chief Mechanical Officer, Car Equipment Engineering & Technical Support. In that capacity, Mr. Wetherell was responsible for, among other things, the procurement and testing of new rolling stock, technical support for the maintenance of the existing fleet, and engineering review and support of the Scheduled Maintenance System. Moreover, Mr. Wetherell's combination of technical experience and demonstrated leadership qualities and accomplishments, which were underscored during his interview in which he addressed complex issues of safety and organizational challenges, made clear that he was the most

qualified candidate for the position.

Dated: New York, New York
October 27, 2014



Carmen Bianco